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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2021/0599**) which was valid on the 26 May 2021 for permission for **Two proposed detached dwellings (two storey) and one bungalow (dormer) with associated parking / garden and access. Proposed access off Providence Street. Block access from main road.**
at Land Adjoining No. 8 Providence Street Ripley

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Site Location Plan and Block Plan - drawing 1820 PS 001 Rev E dated 16/01/2020
   Proposed Site Layout - drawing 1820 PS 005 Rev A dated 02/10/2020
   Plot 1 Elevations and Floor Plans - drawing 1820 PS 002 Rev A dated 02/10/2020
   Plot 2 Elevations and Floor Plans - drawing 1820 PS 003 Rev A dated 02/10/2020
   Plot 3 Elevations and Floor Plans - drawing 1820 PS 004 Rev A dated 02/10/2020

   Reason: In order to define the permission.

3. Throughout the entirety of the construction phase space shall be made available within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles and parking and manoeuvring of site operatives and visitors vehicles.

   Reason: In the interests of highway safety, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

4. Prior to commencement of development a new vehicular and pedestrian access shall be created to Providence Street and made available for use, in accordance with the revised application drawing 1820 PS 005 Rev A dated 2nd October 2020, laid out, constructed and maintained in perpetuity free from any impediment to its designated use for the life of the development.

   Reason: This is a pre commencement of development condition in the interests of securing a safe and alternative vehicular access to serve the application site, as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

5. Prior to commencement of development (excluding creation of the new vehicular and pedestrian access, the subject of condition 4 above), the existing vehicular access to Derby Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with revised drawing number 1820 PS 005 Rev A dated 2nd October 2020.

   Reason: This is a pre-commencement of development condition to ensure the closure of the existing vehicular access to Derby Road, which is sub-standard, in the interests of highway safety as required by Policy TP1 of the Adopted Amber Valley Borough Local Plan 2006.

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6. No dwelling shall be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents and small service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interests of highway safety, as required by Policy TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

7. The hereby approved development shall be carried out fully in accordance with the Biodiversity Enhancement Plan recommendations prepared by Brindle & Green dated 15th January 2021 with a variation in the use of swift bricks in place of schwegler brick nest boxes. The measures shall be implemented as construction proceeds, completed prior to the first occupation of the development and thereafter retained in perpetuity for the life of the development.

   Reason: To secure appropriate ecological mitigation in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan 2006.

8. The hereby approved dwellings shall be constructed using the following external materials:

   Walls - Ibstock Birtley Old English Red
   Roof - Marley Ashemore Slate - Grey

   Any variation to the above materials shall be first submitted to and approved in writing by the Local Planning Authority and the development then undertaken fully in accordance with the approved details.

   Reason: To ensure the satisfactory appearance of the development in accordance with Policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

9. Prior to occupation of the hereby approved dwelling, full details of the proposed treatment of the boundaries of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme prior to the occupation of the development.

   Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the proposed dwellings in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

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10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A, B, C, D, E of Part 1 of Schedule 2 (erection of extensions, porches, roof alterations and outbuildings) shall be undertaken without the prior written approval of the Local Planning Authority.

    Reason: To protect the character and visual amenities of the locality in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

11. The north east facing bathroom dormer window to plot 3 shall be glazed in highly obscured (non see through) glass and be non-opening. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

12. The ground floor and first floor north and south facing landing/hallway windows of plots 1 and 2 shall be glazed in highly obscured (non see through) glass and be non-opening. Such work shall be completed prior to the commencement of use of the development and maintained as such thereafter.

    Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policies H12 and LS3 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 No removal of hedgerows, trees, shrubs or brambles should take place between 1st March and 31st August inclusive, unless a recent survey is undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site.

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Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

RNH2 - Other Sites For New Housing Development
LS1 - Sustainability criteria
LS3 - Design
H3 - Housing development within settlements
H12 - Design and amenity considerations
TP1 - Impact on the Transport Network
TP6 - Parking
EN13 - Nature Conservation
EN18 - Derelict, Unstable And Contaminated Land

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, sunlight/daylight, character and design, landscape or heritage features and highway safety.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**

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